

**IN UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION**

ZT IP, LLC,

Plaintiff,

v.

VMWARE, INC.,

Defendant.

Case No. 3:22-cv-970

JURY TRIAL DEMANDED

**DECLARATION OF RICHARD HUNG IN SUPPORT OF DEFENDANT VMWARE,
INC.'S MOTIONS TO JOIN PARTIES AND TO AMEND THE JUDGMENT**

I, Richard Hung, am a partner with Morrison & Foerster LLP, counsel for VMware, Inc. (“VMware”). I make this declaration in support of VMware’s Motions to Join Parties and Motion to Amend the Judgment.

1. Attached as **Exhibit 1** is a true and correct copy of ZT IP, LLC’s (“ZT”) Certificate of Formation - Limited Liability Company (Form 205), obtained from the Office of the Secretary of State of Texas, with a filing date of February 28, 2022.

2. Attached as **Exhibit 2** is a true and correct copy of ZT’s Responses to VMware’s Interrogatories, as served on May 14, 2023.

3. Attached as **Exhibit 3** is a true and correct copy of the Certificate of Formation of Entente IP LLC, obtained from the Office of the Secretary of State of Delaware, with a filing date of May 8, 2020.

4. Attached as **Exhibit 4** is a true and correct copy of the Certificate of Amendment to the Certificate of Formation of ZT IP, LLC, dated March 24, 2022.

5. Attached as **Exhibit 5** is a true and correct copy of the Certificate of Formation of Dynamic IP Deals, LLC (“Dynamic IP”), obtained from the Office of the Secretary of State of Texas, with a filing date of September 27, 2013.

6. Attached as **Exhibit 6** is a true and correct copy of Pueblo Nuevo LLC (“Pueblo Nuevo”) Certificate of Formation – Limited Liability Company (Form 205), filed with the Office of the Secretary of the State of Texas, with a filing date of December 30, 2020.

7. Attached as **Exhibit 7** is a true and correct copy of the Texas Franchise Tax Public Information Report for Dynamic IP, dated May 16, 2022.

8. Attached as **Exhibit 8** is a true and correct copy of Docket Entry 19 from *Missed Call, LLC v. Freshworks, Inc.*, Case No. 1:22-cv-00739-CFC (D. Delaware) (“*Missed Call* Litigation”).

9. Attached as **Exhibit 9** is a true and correct copy of the Texas Franchise Tax Public Information Report for Pueblo Nuevo, dated May 16, 2022.

10. Attached as **Exhibit 10** is a true and correct copy of Docket Entry 40-10 from *Silent Communications, LLC v. Blackberry Corp.*, Case No. 6:22-cv-00252-ADA (W.D. Texas) (“*Silent Communications* Litigation”).

11. Attached as **Exhibit 11** is a true and correct copy of an email chain between counsel for VMware and Mr. Ramey, counsel for ZT, between June 13, 2022 and March 8, 2023.

12. Attached as **Exhibit 12** is a true and correct copy of Docket Entry 33 from *EscapeX IP LLC v. Block, Inc.*, Case No. 1:22-cv-03575-JMF (S.D. New York).

13. Attached as **Exhibit 13** is a true and correct copy of a report generated from Lex Machina, a litigation research service provided by Lexis, showing the list of cases of ten entities owned by or related to Dynamic IP¹ in which Mr. Ramey is counsel of record.

14. Attached as **Exhibit 14** is a true and correct copy of Docket Entry 1 from *mCom IP, Inc. v. DH Corporation*, Case No. 6:21-Cv-00197 (W.D. Texas).

15. Attached as **Exhibit 15** is a true and correct copy of Docket Entry 1 from *Cybersoft IP, LLC v. Kaspersky Lab, Inc.*, Case No. 1:21-cv-10704 (D. Massachusetts).

16. Attached as **Exhibit 16** is a true and correct copy of Docket Entry 1 from *AML IP, LLC v. Stripe, Inc.*, Case No. 6:22-cv-01257 (W.D. Texas).

17. Attached as **Exhibit 17** is a true and correct copy of Docket Entry 1 from the *Silent Communications* Litigation.

18. Attached as **Exhibit 18** is a true and correct copy of Docket Entry 1 from *PacSec3, LLC v. Netscout Systems, Inc.*, Case No. 6:20-cv-00914 (W.D. Texas).

19. Attached as **Exhibit 19** is a true and correct copy of Docket Entry 2 from *Datrec, LLC v. AllegianceMD Softward, Inc.*, Case No. 4:21-cv-00543 (N.D. Oklahoma).

20. Attached as **Exhibit 20** is a true and correct copy of Docket Entry 1 from *AuthWallet, LLC v. CIBC Bank USA*, Case No. 6:23-cv-00141 (W.D. Texas).

21. Attached as **Exhibit 21** is a true and correct copy of Docket Entry 1 from *Geotag IP, LLC v. NXP USA, Inc.*, Case No. 6:22-cv-00125 (W.D. Texas).

22. Attached as **Exhibit 22** is a true and correct copy of Docket Entry 1 from *Gold IP LLC v. Augury Inc.*, Case No. 1:21-cv-04788 (S.D. New York).

¹ The ten entities are PacSec3, LLC; mCom IP, LLC; Cybersoft IP, LLC; AML IP, LLC; Silent Communications, LLC; Datrec, LLC; AuthWallet, LLC; GeoTag IP, LLC; Gold IP LLC; and Missed Call, LLC. See Mot. to Join at Section II.A.3, Mot. to Amend at Section II.A.3.

23. Attached as **Exhibit 23** is a true and correct copy of Docket Entry 34 in the *Missed Call* Litigation.

24. Attached as **Exhibit 24** is a true and correct copy of Docket Entry 14 from *Safe IP LLC v. Proctorio, Inc.*, Case No. 1:22-cv-920-CFC (D. Delaware).

25. Attached as **Exhibit 25** is a true and correct copy of the March, April, May and June, 2023² invoices from Morrison & Foerster LLP to VMware showing \$40,528.85 in attorney fees. These documents contain confidential information and are filed under seal. Certain Taxpayer ID and Account information has been redacted from this Exhibit.

26. Attached as **Exhibit 26** is a true and correct copy of an email chain between counsel for VMware and Mr. Norred, counsel for ZT, between May 5 and June 5, 2023

27. Attached as **Exhibit 27** is a true and correct copy of Docket Entry 29 from the *Missed Call* Litigation.

I declare under penalty of perjury that the foregoing is true and correct.

Dated: August 11, 2023

/s/ Richard Hung

Richard S.J. Hung, (Bar No. 43684)
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Facsimile: 415.268.7522

Attorney for Defendant

² Additional fees incurred for July 2023 forward have been incurred but, because they have not yet been billed to VMware, they are not included here. Additional invoices may be submitted if and when one or more Responsible Parties are joined to this action.

CERTIFICATE OF SERVICE

The undersigned counsel for VMware, Inc. hereby certifies that a true and correct copy of this motion is being served on the following individuals and entities as soon as practicable, via personal service, and that VMWare, Inc. will file proof of service once received from VMWare, Inc.'s process server which will show the actual date(s) of service:

Dynamic IP Deals, LLC
5900 Balcones Dr, Ste 100
Austin, TX 78731

Pueblo Nuevo LLC
5900 Balcones Dr, Ste 100
Austin, TX 78731

Entente IP LLC
Harvard Business Services, inc.
16192 Coastal Hwy
Lewes, DE 19958

Ramey LLP
5020 Montrose Blvd., Ste 800
Houston, TX 77006

Carlos Gorrichategui
8319 Barberry Branch Street
Houston, TX 77055

David Ghorbanpoor
756 E. Lexington Blvd.
Milwaukee, WI 53217

William P. Ramey III
5020 Montrose Blvd., Ste 800
Houston, TX 77006

The undersigned counsel also hereby certifies that, on August 11, 2023, the foregoing document was filed via the Court's ECF system, which will send notice of the filing to counsel for Plaintiff.

/s/ Richard S.J. Hung
Richard S.J. Hung